

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION; and HTC AMERICA,
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

90-DAY JOINT STATUS REPORT

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

CYWEE MOTION GROUP LTD.,

Third-Party Defendant.

Pursuant to the Court's August 19, 2019, Order (ECF No. 146), Plaintiff CyWee Group Ltd. ("CyWee Group"), Defendants and Third-Party Plaintiffs HTC Corporation and HTC America, Inc., and Third-Party Defendant CyWee Motion Group Ltd. respectfully submit the following joint status report:

The IPRs:

On January 9, 2020, the Patent Trial and Appeal Board ("PTAB") held the following claims invalid in the two IPR proceedings filed by Google (the "Google IPRs"):

| Asserted Patent | IPR Case No. | Original Claims Held Invalid | Proposed Contingent Amended Claims Held Invalid |
|-----------------|---------------|------------------------------|---|
| 8,441,438 | IPR2018-01258 | 1, 3–5 | 20, 21 |
| 8,552,978 | IPR2018-01257 | 10, 12 | 19, 20 |

On February 17, 2021, the PTAB held all challenged claims invalid in an *inter partes* review proceeding filed by ZTE and joined by LGE (the "ZTE IPR"):

| Asserted Patent | IPR Case No. | Original Claims Held Invalid | Proposed Contingent Amended Claims Held Invalid |
|-----------------|--------------------------------|------------------------------|---|
| 8,441,438 | IPR2019-00143 IPR2019-01203 | 1, 4, 5, 14–17, 19 | 20-24 |

The Federal Circuit affirmed PTAB's ruling for these proceedings. The time for further appeals has passed. Accordingly, all asserted claims of the asserted patents in this case have been found to be invalid by the PTAB, and those decisions are final.

The parties request a further stay of 30 days so that the parties may discuss and decide how to proceed with the case.

CyWee's Statement: CyWee Group has obtained additional continuation patents of the patent-in-suit and others that it believes are infringed. All of the prior art cited in the IPRs was cited in those patents' prosecution and overcome. Whether to seek leave to amend the complaint to add those new patents is being evaluated, as is the status of the non-patent claims in the case.

1 Subject to the Court's approval, the parties shall submit a further status report in 30 days
2 instead of 90 that should definitively address these issues.

3 Dated: May 20, 2024

Respectfully submitted,

4 /s/ Carmen E. Bremer

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23 Dated: May 20, 2024

24 /s/ Gregory L. Watts

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Gregory L. Watts

Gregory L. Watts